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vessel whereby any space downstream of said outlet is sufficiently small to allow purging of suspended materials, thereby minimizing pressure loss in the permselective membrane module.

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### REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the comments below.

Claims 1-2 are pending in the present application. Applicants have amended claims 1 and 2 to more clearly claim the present invention by deleting the language, "and one end of the cylindrical pressure vessel is in the range of 0.1 m to 0.6 m" and inserting therefore a description of the location of the discharge outlet as substantially proximal to one end of the cylindrical pressure vessel. The newly added language further claims that the space downstream of the discharge outlet is sufficiently small to allow purging of suspended materials, which minimizes pressure loss in the permselective membrane. Support for the amendments to claims 1 and 2 can be found on pages 10 to 12 of the originally filed disclosure and Figure 1.

Applicants thank the Examiner for meeting with their representative on August 23, 2000 for an Examiner Interview.

Claims 1-2 stand rejected under 35 U.S.C. §103(a) as being unpatentably obvious over the WO 93/07958 application in combination with U.S. Patent No. 4,293,419 to Sekino et al. and U.S. Patent No. 5,380,433 to Etienne et al. The Examiner applies the same rejection as first applied in the Office Action dated March 15, 1999 and subsequently reapplied in the Office Action dated September 1, 1999.

Applicants respectfully traverse the pending rejection in view of the amended claims.

As discussed above, Applicants have amended claims 1 and 2 to claim the non-permeated fluid discharge outlet as being substantially proximal to one end of the cylindrical pressure vessel, whereby any space downstream of the outlet is sufficiently small to allow purging of suspended materials. Applicants have further claimed that this purging of suspended materials thereby minimizes pressure loss in the permselective membrane module.

In contrast, the primary reference cited by the Examiner WO 93/07958, does not disclose a non-permeated fluid discharge outlet located substantially proximal to one end of a cylindrical pressure vessel. As can be seen in Figure 1 of WO 93/07958, element 54 (the discharge outlet) is located in the actual end of the cylindrical pressure vessel. In view of the location of the discharge outlet disclosed by WO 93/07958, the reference does not disclose or teach that the space downstream from the discharge outlet allows purging of suspended materials thereby minimizing pressure loss in the permselective membrane module. Therefore, Applicants respectfully submit that WO 93/07958 does not disclose or teach to one of ordinary skill in the art how to achieve Applicants' claimed invention.

Furthermore, Applicants respectfully submit that the previous understanding of U.S. Patent 5,380,433 to Etienne et al. was incorrect. Element 41 of Figure 1 is not the discharge outlet as previously cited by the Examiner. Element 41 is a plug, which caps element 40, which is a port that can be used as an additional port to allow permeate to flow in two directions within the permselective membrane module. The discharge port of Figure 1 of '433 is element 32, which like that of WO 93/07958 is located in the end of the disclosed cylindrical pressure vessel. Also like WO 93/07958, there is no disclosure within '433 of any space between the discharge outlet and the end of the cylindrical pressure vessel and thus no disclosure of purging suspended

materials to minimize pressure loss. Therefore, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine '433 with WO 93/07958 to achieve Applicants' claimed invention.

Finally, the Examiner cited U.S. Patent No. 4,293,419 to Sekino et al. '419 discloses the discharge outlet, element 7 of Figure 1, in the center of the cylindrical pressure vessel.

Applicants respectfully submit that this does not meet the claim language of "substantially proximal to one end" nor does '419 disclose a "space downstream of said outlet . . . sufficiently small to allow purging of suspended materials". In addition, '419 does not recognize the relationship between the location of the discharge outlet and the minimization of the pressure loss within the permselective membrane module. Therefore Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine '433 with WO 93/07958 to achieve Applicants' claimed invention.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the pending rejection.

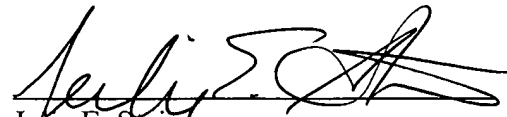
It is respectfully submitted that the present invention, as amended above, is in condition for allowance, an early notification thereof being earnestly solicited.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

The Commissioner is authorized to charge any fees relevant to this filing to Deposit  
Account 11-0600.

Respectfully submitted,

Date 9-20-00

  
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